

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

CYNTHIA OSTER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-1263-WEB
)	
MICHAEL J. ASTRUE,)	
COMMISSION OF)	
SOCIAL SECURITY,)	
)	
Defendant.)	

ORDER

Now before the court is the review of the final decision of the Commissioner of Social Security denying Cynthia Oster supplemental security income payments. The matter was referred to the Magistrate Judge for a recommendation and report pursuant to Rule 72(b), Federal Rules of Civil Procedure. The Recommendation and Report was filed on June 30, 2009. Neither party filed an objection to the Report.

The Administrative Law Judge (ALJ) found the plaintiff has a history of rotator cuff tear, A/C joint dislocation, and degenerative disc disease. The ALJ found the plaintiff's impairments do not meet or equal a listed impairment and that plaintiff is unable to perform past relevant work. The ALJ determined the plaintiff could perform other jobs which exist in the national economy.

The Magistrate Judge found the ALJ properly gave controlling weight to the treating physician. The ALJ determined the weight assigned by the Commissioner was supported with substantial evidence.

IT IS ORDERED that the Recommendation and Report of Magistrate Judge Cohn (Doc. 12) be adopted by this Court; and

IT IS FURTHER ORDERED the decision of the Commissioner is AFFIRMED. The Clerk of the Court is directed to enter Judgment accordingly.

SO ORDERED this 4th day of August, 2009.

s/ Wesley E. Brown
Wesley E. Brown
U.S. Senior District Judge